p70

G. R. S. 58]
Previous references.

File No. 76 of 02

1902.
(municipal)

Serial Nos. 1—9

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1—9

Major **Part B for** August 03.

SUBJECT.

Burial of a mahamadan Saib in the Saibs' masjid at Lashker mohalla Mysore.

Sl 1. From The Presidt Mysore no 596 dy 22.1.03.
Submits for orders a memo regarding the Burial of an old mahamadan of the Saib Community in the Saibs' masjid Lashker mohalla Mysore.

Sl 2. To The Presidt Mysore no 12201 dy 21.2.03

GPB—3,500—21-7-14

Requests to submit a detailed

SECTION 2-dis-C

FILE NO. OFFICE OF THE DEWAN OF MYSORE

REVENUE AND GENERAL, DEPARTMENTS.

SERIAL No.

Short Office Note.

*Subject Letter No 596 dated the 22nd Jy 1903 from the President of the Municipal Town, Mysore City, re the burial of a Mohamadan Saint after this decease in the Said Masjid at Lashkar Mohalla

Note

The President submits a petition from the leading Saits of Mysore praying that one Ahmed, "a holy man of about 90 years old" may be permitted to be buried in the Said Masjid in Lashkar Mohalla after death and the Vice-President's views on the subject, and recommends that petitioners prayer may be granted as a special case, subject to proviso that the death is not to be due to plague.

Granted

A.J. 28/1/03

V

Let me see this with the Req[uest]
(S 189) today
14/2

14/2 A.S.ch 13/14/2 If it were not for this precedent from the 17th, I should have recommended the refusal of this request.
Orders solicited.
14/2

The Dewan
through the
2nd Counsellor

I quite agree - This is a novel application and a compliance with it is highly undesirable - without [illegible] into fact I moved pass a short order as follows:

"The reference is premature - When made in due time, it will receive the best consideration of Govt."

16/2/03

14/2

8494
AD17.2.03 0731

I hear the man died & today
he was buried in the City
Mr. Cumming who came along
with him in the City of
Mr. Cumming's case. There is

been refused — Furnish Workmen with the facts required.

Call for a report at once — 19.II.03 (Illegible)

EVR

As required by this office docket No. 12201 / 52-02 of the 21st February 1903 the President has now submitted a detailed report in regard to the burial of Ahamed Saib in the Saib's mosque at Mysore. Ahamed Saib died on the night of the 22nd January 1903 & was buried in the Mosque on the 23rd idem. ~~The petitioner~~ Mahomad Shaut has deposed that he had no written authority for so doing except the oral permission of the then President one N. Ramanujiengar. The Health officer also has stated that no orders were received from the President to bury the body in the place referred to.

It is also reported that the Health officer "permitted another burial in a Dargah within the City limits" (Letter dated 30/1/91). ~~Illegible for orders~~ This was allowed as a special case, as the site was almost close to the burial ground close by and as there was no objection" (Vide Flag C.)

Submitted

Submitted for orders.
Nov 16/3/03 — In the other case, the Health Officer had no powers to ~~—~~ allow any burial within Municipal limits contrary to the provisions of Sections 188 & 189 of the Municipal Regulations and tho' this fact seems to have been brought to the notice of the President (by the Vice President), the former has issued no orders in the matter.

19/3/13 — 19/3

The Town through [illegible] 2nd [illegible]

No interment may be made within these limits, other than a place set apart & already as a Burial Ground, except a have been permitted. The Health Officer's action in the first of the cases brought to notice was decidedly objectionable. In the other the President (the Commissioner) gave the usual permission before his action was brought to notice. The matter has been done and he has now no power to revoke.

The disbursement of Govt money be conveyed to the Ramanujam & the Health officer and an order ~~to~~ made that the provisions of the law should invariably be followed in future - A perusal of the record have obviated all this unnecessary correspondence and the interference of the President Mr Ramanujam is noted accordingly -

21/3/03

Let Mr Ramanujam be given an opportunity to explain why he should not be surcharged for the amount disbursed by him

22.III.03

Dft 24/3

Mr Ramanujam was accordingly requested to report - he gave such permission (Docket no 14501/ LE 52-02 dt 14.03)

He has in reply stated

he gave no such permission to the parties and that the parties must have misconstrued this note of the 22nd January '03 (Flag C in vernacular papers). Please see Mr. Ramanujaiengar's letter no 68 of the 3rd April '03.

Submitted for orders

17/4/03

18/4/03

The Dewan
Through the 2nd
Councillor -

But for the Rama-
-nujacharyar note
which was in fact
of the grant of an
anticipatory permission
~~and to block~~ all this deft-
-culty would not
have arisen - However
let us modify our
proposed order & say that the
incident is not to be
quoted as a precedent
in future the Main
Provisions of the
Penal Regn in such
matters should be
strictly adhered to

26/4/03

The Local Officers deserve the severest censure of Govt for permitting these burials authority, and if a Coach sustained I do not see why the parties responsible for every should not be prosecuted Mr Ramsay's Agent denies having given permission but this clear duly was he alone given strict orders not to allow the burial — for this omission he deserves the censure also —

The Health Officer is a Govt Municipal Admr and is not help whatever. For the sake of Government a burial ground required be transferred from the place — Mr Jordan defaulter Mr Ramsay has at times a murky character — He has been found fault with several times. Did not see the advisability of perusing municipal business on this Municipality I moved my fifty rupees bill with Medical Officer and Health Officer in the Municipality of Negombo Municipality for the present these two burials are but specimens of further discontent & agitation. I have moved by our act emphatically that such acts will

be repressed at any cost"

To II Secretion

6 V 03

43/03 Copy.

The Settlement of Govt may be conveyed to all the Petitioners concerned -

My own impression is that Mr Kadumbajani Nanji has been doing good & hard work but that he is wanting in tact - If the Govt has no particular objection, I would leave him to deal in detail & would rely out by local enquiry where it was, and what, grounds - him for the complaint that he has made himself obstructive and obnoxious

9.5.03

The Secretary -

0204
1.5-03

01698

I have no objection to wait a month as the case which it is desirable to settle early. Reg. K Govt early action is very desirable before the rainy season sets in working.

10 V 03

Dft. Ltr

Subj
88

A draft is submitted

15/5/3

Copy 10343
15-5-03
P/A

When & how did this come to me? The order issued on 29/5/03 -

Office

I had the Kodandapani Moodaliar's explanation called for in the last - Now that the order been received? If so please let me see it - It was ~~cancelled~~ for its very long subscription - The other day I saw the charged detachment in question - I also enquired into the relations between the Vice President & Health Officer - I am afraid these two officers would work harmoniously together and that a radical change is desirable in public interest -

9/6/03

Mr Kodandapani Moodaliar's explanation has since been received with the President's letter

Received without the sealed confidential cover tagged in the file. This seems to have been perhaps kept in the cover

No 246 dated the 27 June 03. Mr Kodandapany Mudr states that on the afternoon of the 24th Novr last the Vice President sent to him the Makandar with his petition and records, that the Makandar stated both in his petition and in person that the Makan is a recognized burial ground for the members of his family showing the written permission of the Municipality so recently given as 1900 and before, that he went to the spot and found the place to be a part and parcel of the burial ground in use at present, and that as the body was in an advanced stage of putrefaction and as he saw no sanitary objection the burial was allowed and the fact reported to the President the next day. He also submits a plan showing the locality in question. He adds that the President Condemning this burial, which the place is a recognized

long before the one he (Mr. H. Ramaswamy Iyer) allowed in a mosque within the city, even making a rather ambiguous report to the Government probably impressed the Government that on his own responsibility the Health Officer allowed burials in unrecognized burial grounds; that he has neither violated rules nor assumed power and that if the Government still considers otherwise the rules ought to be [illegible]

3/7/03

The President does not say whether or not the place is a recognised burial ground. The letter may however be filed

16/7/03

Tenth 2nd

I have seen the Marriage Register of the Town which is situated within Municipal limits. There is no entry

in it's of anything, the Health officer was in this ~~matter~~ case guilty of indiscretion and nothing more. Yr this communication may be filed

13/7/03

1149 3
167 03

The file sent for from the Devan's Quarters is herewith submitted with the Revenue Commissioner's letter no. 96 dated the 8th July '03 giving cover to Mr Ramanuja Iyengar's explanation regarding the said burial. Mr Ramanujaiengar requests that regard being had to the facts contained in his explanation, the Govt. order no. 16958 / 17 52-02 dated the 29th May 1903 may be generously re-considered

Submitted for orders

18/8/03

18/8/03.

Mr. Ramanujaiengar's conduct as President of the Municipality was in question, and so he fails to see why this explanation should not have been submitted directly to Government.

Overlooking this irregularity there seems to be considerable force in his explanation, which

has the additional merit of being straightforward. Under therefore I [illegible] to Govt. Order that his pension to Govt. but the bribed at once [illegible] evidence of gross and culpable negligence, the cause [illegible] be [illegible] motive & [illegible] altogether taken out.

for orders. H[illegible]

1913

1/1
3.8.03

To the Dewan.

through the [illegible]

Mr Ramanujayyar represen- -tation has come thro' the Revenue Govt. We took the Rev Govt's on a consideration of the full facts of the case, you are pleased to think that my conduct is indefensible & beg you will lay my case before Govt for their generous reconsideration of the order of 29th May 1903". The Revenue Govt simply forwards Mr Ramanujayyar's letter to Govt for their "orders". If now the Govt are to express an opinion I would say that the order was arrived after careful consideration & that Govt see no reason to reconsider it. If

12364
21.VIII.03

03986

(Mrs K)

The D/J Court could have very well left this matter what it was leaving the case as it was leaving the case that very day - It is a very appreciation of the matter that although he got attached no more weight to his own opinion than what the law would point out in this explanation. On this the Deputy Commissioner of Police reconsidered the order already passed -

Whether this be correct or not I have been set to [illegible] new court -

The order is good in law

Mrs K

23/11/83

D.A. H.C.

26/9/91 34813

Org 24/8

(Writ No 779-80 of 29.8.91 DB 202 Court)

Read. – Correspondence ending with letter no 180 dated 12th March 1903 from the President, City Municipal Commission, Colombo, submitting a report in the matter of the burial of a Mahomedan Saint in the Saints' mosque in Dodda Pelta in the Alutgama Cir. Said to have been permitted by Mr. H Ramanathan while Dy Comm.r of Mtgs.

Letter No 682 dated 3d April 1903 from Mr H. Ramanathan, Dy Comm.r, Colombo 2d submitting his explanation in the matter.

Order thereon.–

On the 11th Sept.r 1902, one Mahomed Sid Saint applied to the Vice President for permission to bury the corpse of his old father, after his death, in the Maikkaan attached to the Saints' mosque

Doddapetta, Ellypore, as his
ancestors were buried there.
Referring to Sections 188 and
189 of the Municipal Regu-
lations, the Vice President
asked for the opinion of
the Health Officer ~~as to~~
whether the permission
asked for could be given
~~for~~ this single case. The
latter replied that permission
might be given, if the other members
~~rest~~ of the Mahomedan Community
agreed in writing, that they
would not ask again
for a similar permission to bury
any other corpse in the
graveyards attached to the
mosques situated within
the ~~municipal~~ Municipal limits
of the City.

2. On the 8th January 1903,
Some of the leading citizens
of the Kutchi Memon Community
presented a petition to
the President (Mr H Ramanujaswar)
requesting that
~~for the grant of~~
~~the permission asked for~~,

as the whole of the ~~Sait~~ Sait
Community desired that
the old man should be
buried in the Masjid in
question. the permission
asked for might be grante
On the 10th Idem, Mr. Ra-
-manujaiengar inspected
the place in company
with the Health officer,
and recorded the Statemen
of Mahomed Ahamed
Sait and two others to the
effect. that the Masjid
was a private one con-
-structed by the Sait com
-munity, that a portion
of its compound had been
reserved for the burial
of the corpses of respectab
men of that Community
that the last burial ~~took~~ had taken
-place about 30 years ago
& that the vacant space
was just enough to allow
the burial of four more corp.
~~Thereupon, Some information~~
~~-ation as called for from~~
~~the Assistant Collector~~ In the course of his

3. I. D. Mr. was d
= A. = to report how
many other Mosques there
were in Mysore having
Grave yards attached to them

dar Members
~~stating~~ it ~~stated~~ that 19/
an endorsement dated
6th October 1870, granted
to the owner of a Makkan
in the Mylapore city by the
Supdt of the late Ashtagram
Division. prohibited the
burial of corpses within
Municipal limits of the
city. On the 19th Jany '03,
the President (Mr. Ramanujam
forwarded the papers to
the Vice President. for an
expression of his own opinion
on the question at issue.
The latter Submitted a
Memo dated 21st idem,
Stating that considering
the legal aspect of the
question as well as the
opinion of the leading
citizens (both Hindus and
Mahomedans) with
whom he had discussed on the
Subject, & who were opposed
to the grant of the permission
asked for, he was not
in favour of complying
with the Petitioners request -
Mr. Ramanujaiengar recorded

In agreeing with the
Health officer's

a note dated 22d. Janry. recommending "that permission may be granted as a special case and subject to the proviso that the death is certified not to be due to plague", and submitted it for the orders of Govt.

On the 23d. January, the Vice President wrote to the Dy Commr. stating that from enquiries made by him, it was ascertained that the old man having died that day, the corpse had been buried in the Masjid but that he was not aware if any permission had been given therefor, & that another Mahomedan Community had taken objection to this & were agitating in the matter. Mr. B.K Venkatavaradaiengar who had then succeeded Mr. Ramanujaengar, forwarded for the information of the Vice President

opy of Mr. Ramanuja.
eingar's memo above referred
to. On the same date
the Vice President issued
otices to one Rahima.
tulla Ahamed Saif and
Mahomed Saif (Son of
the deceased) calling upon
them to produce the
rder, if any, given to
them by the President
permitting the burial
in question. The former
stated before the Vice President
that Mr. Ramanujaeingar had
verbally ordered that if
the man died, not of
plague, the corpse might
be buried in the Masjid.
The latter stated that as
Mr Ramanujaeingar un-
derned him on the evening
of the 22nd January '03 that he
had passed orders Sanctioning
his application, he went
home, that at 8 P.m that
day his father died, that
the corpse was buried in the
Masjid on the following morning
& that he could not obtain

a 29 copy of the order then and there.

54. Mr Ramanujaengar explains that on the eve of his handing over charge to his Successor, the Sabs pressed him for the disposal of their application, that as he had inspected the place & made all necessary enquiries, and as the facts were fresh in his mind, he acceded to their request; but, that the Statement of Rahmatulla Ahamed Sait and Mahomed Sait was not true, as it will be seen from his note in which they apparently construed to be an order granting the permission, that he did not at the time mean to take any further action with regard to it.

55. Coming to the question of interference

as may be seen from his note, he did not mean to give any permission to the Sets without the order of Govt, and that the statement that he had given permission was untrue, though apparently some of the Sets construed his note about recommendation to Govt as a permission.

within the municipal limits of the city, should have been permitted, in violations of the existing orders of Govt, & the local officers have therefore rendered themselves liable to be severely censured. If Mr Ramanujacharyar had recorded a note in favour of the grant of the permission asked for, or communicated if he had taken care to ~~the note~~ its purport to the parties concerned, the burial would not have taken place. Otherwise, the parties who are responsible for bringing the dead body in a prohibited place, without obtaining the necessary permission, would be liable to be prosecuted. But admittedly, Mr Ramanujacharyar did not - as it was his clear duty to have done so, give notice of the want of due sense of the local officers should have resulted in in the commission of an act, which is no means has been allowed. Interment within the limits of the city is clear, opposed to orders of Govt in force.

If he had taken precautions to see that the parties had complied with his instructions, they could have been prosecuted for attempted interment. But unfortunately no such precaution was taken by him, in addition to his duty to instruct subordinates

~~order~~ declining to allow the burial, and for this ~~omission~~ omission, he deserves to be censured).

has incurred the displeasure of Govt

at once, he brought about this undesirable result, and Govt cannot help censuring him for this omission

6. The President's report has disclosed another instance in which the Health officer (Mr Kodan-Dasram Modaliar) permitted on his own responsibility, a burial in a Makkan within the city Municipal limits, and this in the ground of the site being ~~to be considered to be unobjectionable owing to the Situation of the Site~~ close to a burial ground. The Health officer, ~~went~~ beyond his province and acted very irregularly, & he has thereby rendered ~~himself liable~~ to the ~~Severest censure~~ displeasure of Govt. the grave

His explanation should be obtained and submitted at once for the further orders

Secretary

To

The President
City Municipal
Commission
Ilyo ve

returning the records —

Submitted
88

Gen. 314 8015 1892-03. L293

FILE No. 76 C/D 2

From S. Ramanuja Iyengar, Esq.
President of the Mysore Sth
Municipality.

To K. V. Ranjundayya, Esq. M.
Secretary to the Govt. M
of Mysore, General a
Revenue Department

Dated 22nd January 1903.

Despatched 24th January 1903.

Received

General No. 570

No.

Enclosure No. 3 files

Submitting for orders, a memo regarding the burial of an old Mahomedan of the Saik community in the Saiko Masjidal Dodkapet, Mysore.

L 2
27.1.03

A S ch
27/1/03
Asst Secy Revenue Dept
25

No. 596 Office of the President of
City Municipality
Dated Mysore 22d. January

From

M. Ramanuja Iyengar, Esq.
President of the Mysore City Muni

To . M. V. Nanjundayya, Esq. M.A., B.L.
Secretary to the Govt. of Mysore,
General and Revenue Dept.

Sir,

I have the honor to submit herewith for orders of Government, copy of a memo dated 22d. January 1903 received from the Vice President of the Mysore City Municipality and my own opinion thereon regarding the burial of an old Mahamedan of the said Community in the Saiks' Masjid at Daddapet. The memorandum papers on the subject also accompany.

I have the honour to be,

Sir,

Your most obedt. servant

M. Ramanujayengar

President of the Mysore City
Municipality

3

SECRET. Most. Very urgent

FILE No 1/6 of 02

No 2

The President of
the Ind. Commission
Mysore City

His no. 596 dated
the. 22nd January 1903 ~~from~~
~~the~~ re the application for
permission to bury a certain
old Mahomedan of the Qaiti
Community after his death
in the Qaiti Masjid in
Cackkar Mohalla of the City.

R.L. 1444

12201 dt 24/2/03.
L.F. 52 — 02

With reference to the
above has the honour to
observe that it has since
been reported that the
old Mahomedan referred
to died ~~of the plague~~ naturally
and was interred in the
City and that there seems
to be some sensation about
it. It is also understood
that on the 19

ately such cases
been refused. Requests
that the President will
be good enough to submit
a detailed report of all
the facts of the case at a
very early date

"By order

[illegible]

[Secretary's order]

(5)

No 180

THE CITY MUNICIPAL OFFICE,
MYSORE.

Dated 12 March 1903

From

M. Kantharaj, BA, BL
PRESIDENT, CITY MUNICIPAL COMMISSION,
MYSORE.

To

K. V. Ranjamadayya Esq, BA, Md
SECRETARY TO THE GOVT. OF MYSORE,
REV. & GLN. DEPTS.

Sir,

With reference to your docket No 1221 01 / R.J 52 02 dated the 21st February 1903, requesting to submit a detailed report of all the facts in regard to the burial of one Ahamad Sait in the Sarts' mosque in Doddapeta in the Mysore City, I have the honor to state as follows -

2 On the 11th of September 1902, Mahamad Sait petitioned the Deputy Commissioner for permission to bury in the Sarts' mosque, his father Ahamad Sait in the City M. C.

in Doddapeta. The Vice President referred the petition to the Health officer for his opinion and drew his attention to sections 188 and 189 of the Municipal Regulations. In this Communication, the Health officer in his docket no 125 dated the 9th October 1902, replied that "permission may be granted to the applicant if the rest of the Mahamadans would submit a muchalika to Government that they would never ask again for the burial of any Mahamadan corpses in any of the grave-yards in mosques within the municipal boundary of the city of Mysore." The applicant was on the 20th idem, given an endorsement in the terms of the Health officers recommendation.

3 On the 9th of January 1903, Mohamad Saab to whom the endorsement above referred to was given and 6 other Kutche Mahamadan merchants presented a petition to the Vice President Mr H Ramanuja Iyengar Soliciting permission to

to bury when dead Mahamad Saib's father Ahamad Saib in the Saib's mosque in Doddapeta. They also submitted copies of permission granted in the Civil and Military Station for the burial of a certain person in one of the mosques there. The President had the statements of Rahimatulla Saib and Mahamad Saib taken down in his presence, in which they stated that in the Saibs' mosque in Doddapeta there was a place reserved for interring the remains of Ahamad Saib. On this petition the President endorsed that he would inspect the place with the Vice President and the Health officer next morning. The Vice President was absent on leave on the 10th January 1903, the date of the President's inspection. The President inspected the place on that date with the Health officer and the Municipal Commissioner

On the 10th January 1903,

the Deputy Commissioner requested the Amildar of the Taluqa to report the number of mosques in the city with particulars of burials therein. The Amildar in his no 350 of the 13th January 1903 reported that burials had been prohibited in mosques in the city and the late Division Commissioner's order no 1089 dated 6th October 1870 prohibited burials even in makans within the city limits.

5— On the 19th January 1903, the Deputy Commissioner referred the papers to the Vice President for an expression of his opinion on the question at issue. The Vice President submitted his report on the subject on the 22nd of the same month, in which he stated that the Municipal Regulations did not contemplate the grant of the license to bury a dead body in a place other than [illegible]

burial ground in anticipation of the death of the persons to be buried when dead, that the Health Officer's opinion at that stage was not of any avail as the Cause of the death of the person to be buried will have to be Considered in giving permission. and in there is a distinct order prohibiting such burials and that orders have been enforced when attempts were made to evade it, that the Mahazar was signed by interested persons and that the public opinion was against it

6 On the 23rd January 1903, the Vice President reported to the then President Mr. B K Venkataravada Iyengar the fact of burial having taken place in the Saibs' mosque in Doddapeta and that such burials were prohibited under the orders of the Commissioner of the late Athapra Division

President. In reply the President Sait copy of officiating President Mr Rama-
-nuja Iyengar's order on the subject to the effect that a recommendation may be made to Government to grant the permission.

7 On receipt of Government order under reply, the Vice President issued a notice to Mahamad Sait and Rahimatulla Ahamad Sait to produce the permit if any they might have obtained from the President to bury the deceased Ahamad Sait in the Sait's mosque in Doddapeta Both of them have stated before the Vice President that they had no written permission and that they had the oral permission of the then President Mr Ramanuja Iyengar to bury Ahamad Sait in the mosque. As Ahamad Sait died

died on the night of the 22nd January 1903, they buried him on the 23rd.

8 The Health officer who is in exclusive charge of the Births and Deaths Department of the municipality was asked by the Vice President if he had the President's permission to allow the burial. In reply no 362 dated 24th February 1903, the Health officer has stated "that no orders were received from the President to bury the body in the place referred to."

9 I beg also to report that the Health officer has permitted another burial in a mukam within the city limits. This fact was reported to the President by the Vice President on 26th November 1902.

10 The connected papers are herewith submitted with a list.

I have the honour to be,

Sir,

Your most obedient humble servant

K. Srinivasa Aiyangar

Vice President

14 MAR 1903. DEWAN OFFICE

From

M. Kantharaj.

PRESIDENT, CITY MUNICIPAL COMMISSION, MYSORE

To

W. Narasimhaiyah M.A., M.

SECRETARY TO THE GOVT. OF MYSORE. REV. & GEN. DEPTS.

Dated

Despatched 12th March 10

Received

General No. 187

No.

Enclosure No. 1

Submitting a detailed report in regard to the burial of Ahamad Saib in the mosque in Doddaketa mohalla

52-02

MGCPB—2,000—6-7-02.

SECTION Mun

FILE No 1647/02

To

A. Ramanujaiengar Esq
Dy. Commissioner
Chitaldrug Distt

R.L. 1727

4501 9/4/03.

17-5-2-02

Sir forwarding herewith copy of letter No 180 dated the 12th March '03 and its enclosures in original from the President of the Municipal Comm^rs. Nyporne City, in regard to the burial of a certain Saiti body in the Saiti masjid in Lakkur Dro halla of the City, I have the honour to draw Mr. Ramanujaiengar's attention to para 7 of the said letter as also to the deposition of Ahmed Saiti son of Mahomed Saiti stating that he had the oral permission of the then President to inter the body in the masjid and to request reference, and to request

+ to be returned with reply

Encl: 1 Copy of letter
1 file of original records

From the Same
No 682 & 3/4/03

that he will be good enough to explain whether he gave any such permission.

"By order"

Rec'd 31/3/03

Secretary of State's order

26/3/03

Leeds

25/3/03

24/3/03

14 Enclosure to 84

No.180. The City Municipal Office, Mysore

Dated 12th March 1903.

From,

H.Kantharaj Urs, B.A.

President, City Municipal Commission, Mysore.

To,

H.V.Venkatasubba Raj, B.A., B.L.

Secretary to the Govt of Mysore,

Revenue Department.

Sir,

With reference to your docket No.12201/P.P.52-03 dated the 21st February 1903, requesting to submit a detailed report of all the facts in regard to the burial of one Ahmad Sait in the Cantt's mosque in Nadupete in the Mysore City, I have the honor to state as follows -

2. On the 11th of September 1902, Mahomed Sait petitioned the Vice President for permission to use the said mosque for burying his father Ahmad Sait in the Cantt's Nadupete. The Vice President referred the petition to the Health Officer for his opinion and directed attention to sections 159 of the Municipal Regulations. The Health Officer in his report dated the 3/9th October 1902, replied that "permission may be granted subject to the rest of the Municipal rules and that the Municipality should not be responsible for the burial of any corpse as it is in the Cantt limits and not in the Municipal limits of Mysore". The application was on the 20th idem, granted in accordance with the terms of the Health Officer's recommendation.

3. On the 9th of January 1903, Mahomed Sait requested permission to bury the corpse of his son Ahmad Sait in the same mosque. The Health Officer in his report dated the 12th January 1903, stated that the mosque was not suitable for burial purposes as it was situated in the midst of a thickly populated locality and that the Municipality should not be responsible for any burial in the mosque. The application was rejected on the 13th idem.

Kechi Mahomedan merchants presented a petition to the then President Mr.N.Ramanujaienger soliciting permission to bury when dead Mahomed sait's father Ahamed sait in the sait's Mosque in Doddapeta. They also submitted copies of permission granted in the Civil and Military Station for the burial of a certain person in one of the mosques there. The President had the statements of Rahimatulla sait and Mahomed sait taken down in his presence; in which they stated that in the saitss mosque in Doddapeta there was a place reserved for interim the remains of Ahamed sait. On this petition the President endorsed that he would inspect the place with the Vice President and the Helath Officer next morning. The Vice President was absent on leave on the 10th January 1905, the date of the President's inspection. The President inspected the place on that date with the Health Officer and the Municipal commissioners of the Division.

4. On the 10th January 1905, the Deputy Commissioner requested the Amildar of the Taluk to report the number of mosques in the City with particulars of burials therein. The Amildar in his No.350 of the 13th January 1905 reported that burials had been prohibited in Mosques in the City and the late Division Commissioner's order No.1089 dated 6th October 1870 prohibited burials even in Idgahs within the City limits.

. On the 19th January 1905, the Deputy Commissioners referred the papers to the Vice-President for expression of his opinion on the question at issue. The Vice President submitted his report on the same on the 22nd of the same month, in which he stated that the Municipal Regulations did not empower the grant of the license to bury a dead body in a place other than a licensed burial ground in anticipation of the death of the person to be buried; that the Health-officer's opinion on that score was not of any avail as the case of the death of the person to be buried will have to be reported in this connection, that there is a distinct order

prohibiting such burials and that orders had been enforced when attempts were made to evade it; that the Mahazar was signed by interested persons and that the public opinion was against the burial.

6. On the 28rd January 1903, the Vice President reported to the then President V.K.Venkatavaradha Iyengar, the fact of burial having taken place in the said's mosque in Doddapeta and that such burials were prohibited under the orders of the Commissioner of the late Asteered Division and enquired if an burial was permitted by the President. In reply the President sent copy of office of President Mr.Ramanuja Iyengar's order on the subject to the effect that a recommendation may be made to Government to grant the permission.

. On receipt of Government order under reply, the Vice President issued a notice to Mahomed Sait and Pahmathulla Ahamed Sait to produce the permit if any they might have obtained from the President to bury the deceased Ahamed Sait in the saits' mosque in Doddapeta. Both of them have stated before the Vice President that they had no written permission and that they had the oral permission of the then President Mr.Ramanuja Iyengar to bury Ahamed Sait in the mosque. As Ahamed Sait died on the night of the 22nd January 1903, they buried him on the 23rd.

8. The Health Officer in his enclosure to Births and Deaths department of the municipality, dated 24th by the Vice President to the President for permission to allow the burial. In reply No.502 dated 24th February 1903, the Health Officer was stated "that no orders have received from the President to bury the deceased at the place referred to".

9. They also to report that the Health Officers have written other burial ground Thakar within the City limits.

This

his fact was reported to the President by the Vice President on the 26th November 1902.

10. The connected papers are herewith submitted with a list.

I have &c

Sd/-K. Srinivasa Row

Vice President.

Copy

Asst Secretary.

SECTION Annl

FILE No. 76

FROM

H Ramanujaiyangar Esquire
Deputy Commissioner
Chitaldrug District

To

H H Manjunda Rao Esquire
Secretary to the Government of
Mysore - General and Revenue
Departments, Bangalore

Dated 3rd April
Despatched March 1903
Received

General No. 682
No.

Enclosure No. 1 copy of letter
1 title of papers

Forwarding certain explanations regarding the burial of a certain Saint buried in the Saint Masjid in the Lashkar Mohalla of the Mysore City in January last.

1793

1088

APR 1903

Please put up with Rec
file rec'd & Rte Con 15/4/03

Office of the Deputy Commissioner
Chitaldrug District

No 682/Rec 2

Dated Chitaldrug 3rd April 1903

From

A. Ramanujaiyengar Esquire

Deputy Commissioner,

Chitaldrug District

To

A. V. Narjundayya Esquire MA, ML.

Secretary to the Government of

His Highness the Maharaja of

Mysore - General and Revenue

Departments, Bangalore

Sir,

With reference to the query contained in your docket No 11450 1 / L 752-02 dated 1st instant received this morning as to whether I gave oral permission to carry out the burial therein referred to, as alleged by Mahomed Sait, I have the honor to reply in the negative.

2 What actually happened in this connection on the last day of my tenure of office in Mysore was simply this: —

Rahimatulla Ahamed Sait and Mahomed Sait called at my office towards the Evening of the 22nd January 1903 and produced the Vice President's memo on the subject bearing the previous day's date. I was busy at the time winding up my work, and I was at first inclined to let the memo lie over to be dealt with by my Successor But the Saits pressed for its disposal by me; and as I had inspected the locality, made all necessary enquiries and the facts were fresh in my mind, I acceded to their request; and my note of the 22nd idem was written on the Vice President's memo then and there If I remember aright, the note was written by the plague Clerk to my dictation, while the Saits stood listening. After the writing was over, they seemed pleased and left the place. As stated by Mahomed Sait, his father died at 8 or 9 P.

Same night By that time, I had ceased to be the President of the Mysore Municipality Mr Venkata varadiengar had already relieved me of the Charge of the District and the burial question concerned me no more.

3. I have read the statements made by Rahimatulla Ahamed Sait and Mahomed Sait before the Vice President on the 24th February 1903. The former States in one place that he was not aware of any order passed regarding the burials. Further on he says that I gave the order permitting the burial. Mahomed Sait repeats the latter statement which is not true. The only charitable construction that I can put on these mis-statements is that the Saits did not correctly apprehend the purport of my note of the 22nd January 1903 Rahimatulla Ahamed Sait has only a smattering of English. I do not know if Mahomed Sait understands

any English at all. It is possible, therefore, that they were led to misconstrue my note of the 22nd January 1903 into an order giving them the permission they had asked for. It will be obvious from the note that I did not, at the time, mean to take any further action without the orders of Government

4. The enclosures of the docket under reply are herewith returned.

I have the honor to be,
Sir,
Your most obedient Servant

[signature]

Deputy Commissioner
Chinese Customs Service

Encl

Office of the Dewan of Mysore,

Boards Branch

SECTION—Miscl. Office Draft.

FILE NO. 3/1902

Progs. of the Govt. of H. H. the Maharaja of Mysore.

6.

Read:— Correspondence ending with letter no 180 dated 12th March 1903, from the President, City Municipal Commission, Mysore Submitting a report in the matter of the burial of a Mahomedan Sét in the Sét's mosque in Doddapetta, in the Mysore City, said to have been permitted by Mr. A. Ramanujaiengar, while Deputy Commr. of Mysore.

Also— Letter no. 682 dated 3d April 1903 from Mr. A. Ramanujaiengar, Deputy Commr. Chitaldrug Distt. Submitting his explanation in the matter.

Order Thereon:—

On the 11th September 1902, one Mahomed Sét applied to the Vice President for permission to bury the corpse of his old father after his death, within the premises

No. 16958 / L.T. 52-02 / 29/5/03

The same file of P. Records

of the Sets' mosque. Doddapa
Ulpore, as his ancestors
buried there. Referring to
Sections 188 and 189 of the
Municipal Regulations, the
Vice President asked for the
opinion of the Health Officer
whether the permission
asked for could be given for
this single case. The latter
replied that permission might
be given, if the other mem-
bers of the Mahomedan
Community agreed in writing
that they would not ask
again for a similar per-
mission to bury any other
corpse in the graveyards
attached to the mosques
situated within the Muni-
-cipal limits of the city.

2 On the 8th January 1903,
some of the leading citizens
of the Kutchi Memon com-
munity presented a petition
to the President (Mr N Ra
manujacharyar) requesting
that as the whole of the Sét

Community desired that the old man should be buried in the Masjid in question, the permission asked for might be granted On the 10th idem, Mr Ramanyaen gar inspected the place in company with the Health Officer, and recorded the Statement of Mahomed Ahamed Séf and two others to the effect that the Masjid was a private one constructed by the Séf Community, that a portion of its compound had been reserved for the burial of the corpse of respectable men of that Community, that the last burial had taken place about 30 years previously and that the vacant space was just enough to allow the burial of one more corpse.

3. The Deputy Comm

point how many other mosques there were in Ellpore having grave-yards attached to them. In the course of his reply, the Amildar mentioned that an indorsement dt 6th October 1870, granted to the owner of a Makkan in the Ellpore city by the superintendent of the Lake Sokkagram Division, prohibited the burial of corpses within Municipal limits of the City. On the 19th January 1903, the President Mr. Ramanujaiengar) forwarded the papers to the Vice President for an expression of his own opinion on the question at issue. The latter submitted a memo dated the 21st idem, stating that considering the legal aspect of the question as well as the opinion of the leading

citizens (both Hindus and Mahomedans) with whom he had discussed on the Subject, and who were opposed to the grant of the permission asked for, he was not in favour of complying with the Petitioners' request. In agreeing with the Health Officer, Mr Ramanujamayar recorded a note dated 22d January 1903 recommending "that permission may be "granted as a Special case "and Subject to the proviso "that the death is certified "not to be due to plague", and submitted a copy of it for the orders of Govt.

4. On the 23d January, the Vice President wrote to the Dy Commr stating that from enquiries made by him it was ascertained that the old man having died that day, the corpse had

that he was not aware
of any permission had
been given therefor, and
that another Mahomedan
Community had taken
objection to this & were
agitating in the matter.
Mr. P.K. Venkataraadaengar
who had then Succeeded
Mr. Ramanujaengar, for-
warded for the information
of the Vice President a copy
of Mr. Ramanujaiengar's
memo above referred to.
On the Same date the Vice
President issued notices
to one Rahmiatulla Aha
-mad Sait and Mahomed
Sait (Son of the Deceased)
calling upon them to pro
duce the order, if any,
given to them by the
President permitting the
burial in question. The
former Stated before the
Vice President that Mr.
Ramanujaengar had verbally

ordered that if the man died, not of plague, the corpse might be burned in the Masjid. The latter stated that as Mr Ramanujayengar informed him on the evening of the 22nd January 1903 that he had passed orders sanctioning his application, he went home, that at 8 P.M that day his father died, that the corpse was burned in the Masjid on the following morning, and that he could not obtain a copy of the order then and there.

5. Mr Ramanujayengar explains that on the eve of his handing over charge to his Successor, the Sirista pressed him for the disposal of their application, that as he had inspected the place and made all necessary enquiries and as the facts were

to their request; but as
may be seen from his
note, he did not mean
to give any permission
to the Sets without the
order of Government,
and that the Statement
that he had given permission
was untrue, though ap-
parently some of the
Sets construed his note
about recommendation
to Govt. as a permission.
6 Govt regret to observe
that the indecision of the
local officers should have
resulted in the commission
of an act, which should
by no means have been al-
lowed. Interment within
the limits of the city is
clearly opposed to orders
of Govt in force. If Mr.
Ramanujacengar had not
recorded a note in favour
of the grant of the permission

asked for, or if he had take
care not to communicat
its purport to the partie
concerned, the burial wou
not have taken place. If
he had taken precaution
not to give room to the
parties to plead that they
had received his permissio
they could have been pro
secuted and subjected to
punishment. But un-
fortunately the Presiden
did not readily apprehen
what was his clear duty,
and by failing to issue
a distinct prohibition at
once, he brought about
this undesirable result,
and God cannot help
censuring him for this
omission.

7. The President's report
has disclosed another
instance in which the
Health Officer (Mr Koda

on his own responsibility a burial in a Makkan within the city Municipal limits, on the ground of the Site being close to a burial ground. The Health Officer certainly went beyond his province and acted very irregularly, and he has thereby incurred the grave displeasure of Government. His explanation should be obtained and submitted at once for the further orders of Government.

23/5/03

Secretary

19.V.03

To

The President,
City Municipal Commissioner, Dompare.
returning the Ver papers -

Copy to

RL 2111

× Bruno no 17009 L.2.52-02 29/5/03 4/6/03

Rec'd 28/5/03

SECTION Genl. 13944 29 JUN 1903 L 2442

FILE No. Health 1903.

SERIAL No. 7

From

M. Kantharajaiah Esq
B.A.
PRESIDENT, CITY MUNICIPAL,
COMMISSION,
MYSORE.

To

H. V. Nanjundayya Esq
M.A., M.L.
SECRETARY TO THE GOVT. OF MYSORE.
REV. & GEN. DEPTS.

Dated
Despatched 27th June 1903
Received
General No. 246
No.

Enclosure No. 2

Submitting the report of the Health officer about the burial in a makan within the city.

No. 246

THE CITY MUNICIPAL OFFICE,
MYSORE.

Dated 27 June 1903.

From

M. Kantha Raj Urs Esqr
PRESIDENT, CITY MUNICIPAL COMMISSION,
MYSORE.

To

H. V. Nanjundayya Esqr
M A, Mrl
SECRETARY TO THE GOVT. OF MYSORE,
REV. & GEN. DEPTS.

Sir,

With reference to para 7 of Government Proceedings No 1258-23 02 dated 29 May 1903 and subsequent reminder, requesting to forward the Health Officer's explanation for having allowed a burial in a Madras within city limits, I have the honor to forward in original his letter No 143 dated the 16 instant on the subject.

I have the honor to be
Sir
your most obdt humble Servant
M Kantha Raj Urs
Pres City Municipal

Present:

No. 743
Encl. one Plan.

Health Office,
Mysore,
Dy 14th June 1903.

Received
20. 6. 03
by

From,

A Kodandapani Esq.
Health Officer
Mysore

To,

M Kantaraj Urs Esq B
President, City Municip
Mysore.

Sir,

In obedience to Govt-ment Proceedings No. 1695 L.F. 52-02 dated 29th May 1903, Calling for my Explanation about a burial within the City Municipal limits, I beg to submit the following Explanation.

On the afternoon of the 24th ultimo November 1902 the Vice President sent to me the Makandar (the owner of the burial ground in question) with two persons and requ-

the Makandar stated to the in his petition and in person that the makan is a recognized burial Ground for the members of his family and showed the written permission granted by the Municipality after the introduction of Municipal Regulations in City, to bury there as recent as 1900 and before

I went to the spot and found the ground to be a part & parcel of the burial grounds in use there at present, the grave ready, the body burying & people collected

From what I saw at the spot & its surroundings from the records and what I heard from the people I fully believed & even now I do, that the Makan is a recognized burial ground & as it was like in the evening before I completed my survey of the place enquiries and so the day was in an advanced

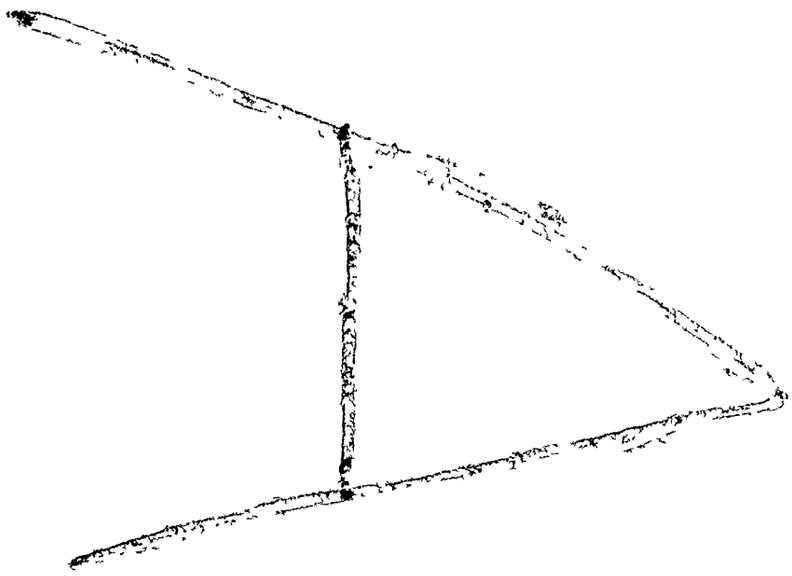
37 stage of putrifaction & as I saw no Sanitary objection, the burial was allowed & the fact reported to the President next day

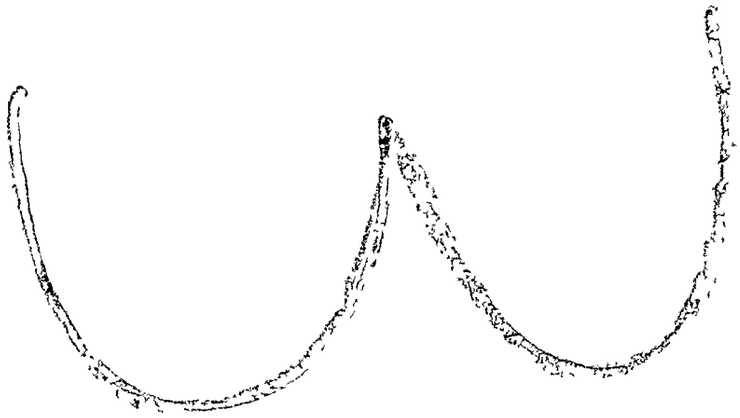
Further with the object of discontinuing the several recognised existing burial grounds within the Municipal limits I wrote and informed the President that in future no burials should be allowed within the Municipal limits

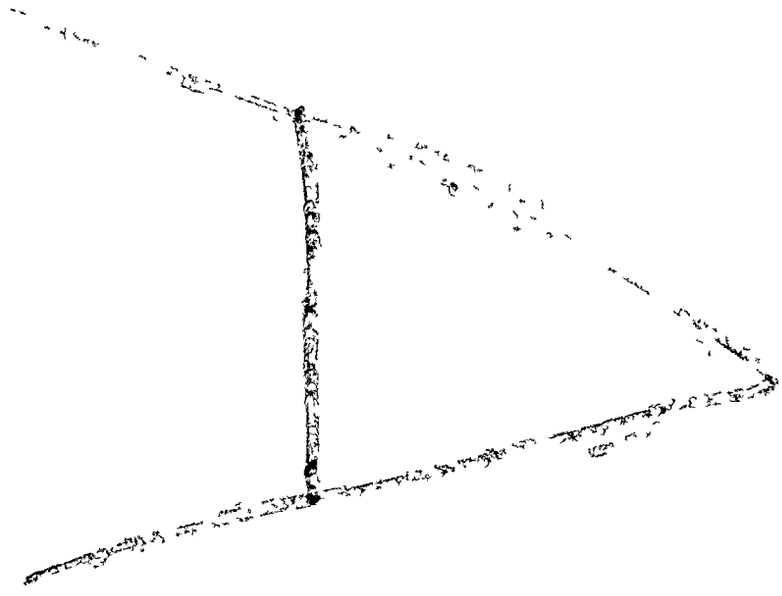
The enclosed plan will show the spot in question & the burial grounds around the same

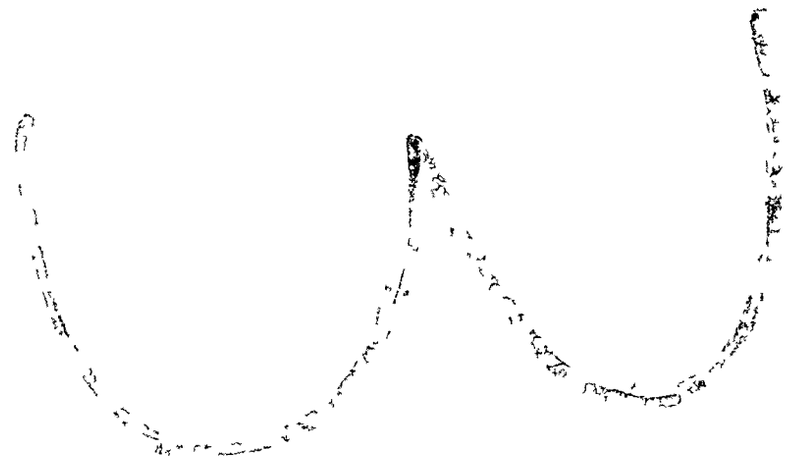
The 2nd Councillor was pleased to inspect this place during his last inspection of the City

The President Councillor this burial which took place in a recognised burial ground long before the one he (Mr. Kanagasuja Iyer-qu.) allowed in a house in the City, and making a rather ambiguous









2096
Ex 3.

SECTION—Miscl.

FILE No. 16-02

OFFICE OF THE REV. COMR. IN MYSORE,
Bangalore, 8th July 1903

FROM

V. P. MADHAVA RAO, Esq., C.I.E.,
Revenue Commissioner in Mysore.

To

H. V. NANJUNDAYYA, Esq., M.A., M.L.,
Secretary to the Govt. of H. H. the Maharaja of Mysore,
General and Revenue Depts.

SIR,

I have the honor to forward herewith, in original, f theorders of Government letter No. 165 dated 13th June 19 from Mr. H. Ramanujaiengar, Deputy Commissioner of Chital durg, explaining certain incidents in the matter of the burial without a licence of one Ahmed Sait in a Mosque si tuated within the municipal limits of the Mysore City, an requesting that Government may be pleased to reconsider their remarks contained in para 6 of Government Proceedin No. 16958/ LF 52-02 dated 29th May 1903.

I have the honor to be,

Sir,

Your most obedient servant,

For Revenue Commissioner.

K

OFFICE OF THE REVENUE COMMR. NO. 3249 17 JUN 03 BANGALORE. MYSORE

From

H.Ramanujaiengar Esquire,
Deputy Commissioner,
Chitaldrug District.

To

V.P.Madhava Rao Esquire C.I.E
Revenue Commissioner in Mysore
Bangalore

Dated 13th
Despatched 14th } June 1903
Received

General No. 165
No.

Enclosure No. 2

Submitting for reconsideration of final orders, by Government, a full and detailed Explanation regarding the burial of a certain Saint in the Saint's Mosque in the Doddapeta, Mysore

20: 165
Encs 2

Chitaldrug District.
Dated, Chitaldrug 13th June 1903
14

From

H.Ramanujaiengar Esquire,
Deputy Commissioner,
Chitaldrug District.

To

V.P.Madhava Rao Esquire,C.I.E
Revenue Commissioner in Mysore,
Bangalore.

Sir,

I beg to forward copies of the marginally noted correspondence culminating in Government Proceedings No: 16958 dated 29th May 1903, censuring me severely in connection with the burial of the dead body of a Sadh within the limits of the City of Mysore. I feel fully persuaded that, if my original explanation had been [illegible] would have been presented to Government in its true light and that they would not have been so harsh upon me. This is my apology for venturing to submit the following further explanation to Government through you. It is unnecessary for me to recapitulate the main facts of the case which have been brought out in

* 1. No: 180 dated 12th March 1903 from the Presidency, City Municipal Commissioner, Mysore.
2. No: 14501/K.F. 52-02 dated 1st April 103 from the Secretary to the Government of His Highness the Maharaja of Mysore Financial and Revenue Department.
3. This Office No: 682 dated 4th April 1903.
4. Government Proceedings No. 16958 dated 29th May 1903

the enclosed Correspondence. I will Confine myself to a few brief remarks which may Elucidate the points raised in the following paragraph of the Government Proceedings in which my Conduct has been criticised.

× × × ×

"6. Government regret to observe that the indiscretion of the local officers should have resulted in the Commission of an act which should by no means have been allowed. Interment within the limits of the City is clearly opposed to orders of Government in force. If Mr Rama mujaiengar had not recorded a note in favor of the grant of the permission asked for, or if he had taken care not to Communicate its purport to the parties Concerned, the burial would not have taken place. If he had taken precaution not to give room to the parties to plead that they had received his permission they Could have been prosecuted and subjected to punishment But unfortunately the President did not readily apprehend what was his Clear duty, and by failing to issue a distinct prohibition at once, he brought about this undesirable result and Government cannot help ...

severely for this omission

× × × ° ×

2 The parties interested in the burial presented a petition to me on the 8th January 1903. I inspected the spot on the 10th Idem, made a reference to the Amildar of Mysore and got some further information from him and finally referred the file to the Vice President for his opinion; and his reply having been received by me on the 22d Idem, I recorded a note thereon for submission to Government on the same date. So far as my share in the business is concerned, it may not be said that it was marked by indecision.

3. The most important point for consideration in the Case was whether the burial in the Cemetery attached to the Mosque was dangerous to public health On this point I had the opinion of the Health Officer who was the accredited adviser of the Parties in such matters. He was unequivocally in favor of the burial being permitted in this particular Case. To my lay mind the following considerations made a strong appeal. The Health Officer's

that every rule had an exception. Ahamed Sait was an estimable member of the Sait Community in Mysore. The mosque in question owed its existence mainly to his exertions. The Cemetery attached to it contained the remains of his departed Kith and Kin. There was vacant room therein left for but one more burial and this, I was told, had been reserved by Ahamed Sait for the last 30 years or more to provide room for his own interment. The numerous Mahomedans that were assembled on the spot at the time of my inspection and the many more with whom I had opportunities of speaking on the subject spoke with one voice in favor of the permission sought for being granted. In the face of these facts, I apprehended that I would be acting most inconsiderately if I opposed the petition and accordingly recorded the note of the 22nd January 1903 for the consideration and orders of Government

4. It did not appear to me necessary to observe any secrecy in the matter - to hide my views from the parties

primary annexed to any opinion I might form in the Case and the final decision rested entirely with the Government. The case as I understood was governed by Section 189 of the Municipal Regulation (Copy attached for ready reference). Under that Section the burial could not have been permitted otherwise than by, or under the authority of the Government Of His Highness the Maharaja Of Mysore, certain a License x x x first obtained from the President x x x." It was thus clear that the orders of Government were essential in the Case and that after such orders were received a license should have been issued by the President. Neither of these conditions has been fulfilled in this Case and no expression of any opinion on my part can fairly be held directly or indirectly to justify a transgression of the Clear Law on the Subject or to bar the prosecution of the parties at fault. When I recorded the note on the 22nd January 1903 I was not aware that the death of the Sant was imminent; and the necessity for any anticipatory action on my part was not apparent or that State

the District Charge the same evening. One have naturally supposed that the burial the like of which had not taken place during the past three decades, would not have been permitted without being Challenged by proper authority, seeing that the Case was hedged in by legal Obligations which were not to be evaded by any imaginary plea of "Oral permission"

5. If on a Consideration of the full facts of the Case you are pleased to think that my Conduct is defensible, I beg you will kindly bring the Case before Government for their generous reconsideration of the order of 29th May 1903 quoted above

I have the honor to be,

Sir

Your most obedient Servant

[illegible]

Deputy Commissioner

[illegible]

The City Municipal Office,
Mysore –
Dated 12th March 1903

From

M. Kantaraj Urs Esquire B A,

President
City Municipal Commission,
Mysore.

To

H. V. Nanjundayya Esquire M A, M L
Secretary to the Government of Mysore
General and Revenue Departments

Sir,

With reference to your docket no 12201 / L.752-02 dated the 21st February 1903 requesting to submit a detailed report of all the facts in regard to the burial of one Ahmed Sait in the Sait's Mosque in Doddapeta in the Mysore City, I have the honor to state as follows :—

2 On the 11th September 1902 Mahomed Sait petitioned the Vice President for permission to bury, when dead, his father Ahmed Sait in the Sait's Mosque in Doddapeta. The Vice President referred the petition to the Health Officer for his opinion

Sections 188 and 189 of the Municipal Regu-
-lations. To this communication the Health
Officer in his docket no 125 dated 9/11th October
1902 replied that "permission may be granted
to the applicant if the rest of the Mahomedans
would submit a Muchalika to Government
that they would never ask again for the
burial of any Mahomedan corpses in
any of the grave yards in Mosques within
the municipal boundary of the City of Mysore".
The applicant was, on the 20th idem, given
an endorsement in the terms of the Health
Officer's recommendation

3 On the 9th January 1903, Mahomed
Saib to whom the endorsement above referred
to was given and Sir other Kachi Mahomedan
merchants presented a petition to the then
President Mr V Ramanujaiyengar soliciting
permission to bury, when dead, Mahamed
Saib's father, Ahmed Saib in the Saib's mosque
in Doddapeta. They also submitted copies
of permission granted in the Civil and
Military Station for the burial of a certain

person in one of the mosques there. The President had the statements of Rahimatta Saib and Mahamed Saib taken down in his presence in which they stated that in the Saibo mosque in Wadapalla there was a place reserved for interring the remains of Ahmed Saib. On this petition the President endorsed that he would inspect the place with the Vice President and the Health Officer next morning. The Vice President was absent on leave on the 10th January 1903 the date of the Presidents inspection. The President inspected the place on that date with the Health Officer and the Municipal Commissioners of the Division

4 On the 10th January 1903 the Deputy Commissioner requested the Amildar of the Taluk to report the number of Mosques in the city with particulars of burials therein. The Amildar

19 January 1903 reported that burials had been prohibited in mosques in the City and the late Division Commissioners' order no 1089 dated 6th October 1870 prohibit burials even in Mukams within the City limits

5. On the 19th January 1903, the Deputy Commissioner referred the papers to the Vice President for an expression of his opinion on the question at issue The Vice President submitted his report on the subject on the 22nd of the same month in which he stated that the Municipal Regulations did not contemplate the grant of the license to bury a dead body in a place, other than a licensed burial ground in anticipation of the death of the persons to be buried when dead, that the Health Officers opinion at that stage

was not of any avail as the cause of the death of the person to be buried will have to be considered in giving permission, that there is a distinct order prohibiting such burials, and that orders had been enforced when attempts were made to evade it; that the Mahazar was sent by interested persons, and that the Public Opinion was against the burial.

6. On the 23rd January 1903, the Vice President reported to the then President Mr P. K. Venkatavaradiengar the fact of burial having taken place in the Saiva Mosque in Doddapeta and that such burials were prohibited under the orders of the Commissioner of the late Ashtapram Division, and enquired if such burial is permitted by the

sent copy of officiating President —
Mr. Ramanujiengar's orders on the
subject to the effect that a recommenda-
tion may be made to Government
to grant the permission.

7 On receipt of Government order
under reply, the Vice President issued
notice to Mahamed Sait and
Achimattulla Ahmed Sait to produce
the permit, if any, they might have
obtained from the President to bury
the deceased Ahmed Sait in the Sait's
mosque in Doddapetta. Both of
them have stated before the Vice President
that they had no written permission,
and that they had the oral permission
of the then President Mr. K. Ramanujaiyengar
to bury Ahmed Sait in the mosque.
As Ahmed Sait died on the night of the 22nd January 1903
[illegible]

8 The Head Officer who is

in executive charge of the "Births and Deaths" Department of the Municipality was asked by the Vice President if he had the President's permission to allow the burial. In reply No 362 dated 24th February 1903 the Health Officer has stated "that no orders were received from the President to bury the body in the place referred to".

9 I beg also to report that the Health Officer has permitted another burial in a Makan within the City limits This fact was reported to the President by the Vice President on the 26th November, 1901

10 The connected papers herewith submitted with a list

I have &c

(Sd) K Simmons

for President

From

M. V. Narajundayya Esquire M.A.M.L.
Secretary to the Government of
His Highness the Maharaj of Mys
General and Revenue Departments

To

M. Ramanujiengar Esquire
Deputy Commissioner,
Chitaldrug District

In forwarding herewith, Copy of letter No 180 dated the 12th March 1903 and its enclosures, in original, from the President of the Municipal Commission, Mysore City in regard to the burial of a certain Saits' body in the Saits' Masjid in Lashkar Mohla of the City, has the honor to draw Mr Ramanujiengar's attention to para 7 of the said letter, as also to the deposition of Ahmed Saits' son Mahamed Saits, Stating that he had the oral permission of the then President to inter the body in the Masjid in question, and

× to be returned with a reply

and to request that he will be good enough to explain whether he gave any such permission.

By Order
(Sd) N Ramaiya
for Secretary

No 682 dated 4th April 1903.

From
N. Ramanujiengar Esqire
Deputy Commissioner,
Chitaldrug District

To
N. V. Manjunadayya Esqire M.A., M.L.
Secretary to the Government of
His Highness the Maharaja of Mys
General and Revenue Departma

Sir,

With reference to the query contained in your docket no $\frac{\text{M 501}}{\text{L. 752-02}}$ dated 1st inst received this morning as to whether I gave oral permission to carry out the burial therein referred to, as alleged by Mahome Sait, I have the honor to reply in the negative. What actually happened in this connection on the last day of my tenure of Office as a Mysore as a simple this:

Rahimatulla Sahib

Mahomed Sait called at my office the evening of the 22nd January 1903 and produced the Vice Presidents' Memo on the subject bearing the previous day's date. I was busy at the time winding up my work and I was at first inclined to let the memo lie over to be dealt with by my successor But the Saits pressed for its disposal by me, and as I had inspected the locality, made all necessary enquiries, and the facts were fresh in my mind, I acceded to their request; and my note of the 22nd idem was written on the Vice Presidents' Memo then and there. If I remember aright, the note was written by the Plague clerk to my dictation, while the Saits stood listening. After the writing was over, they seemed pleased, and left the place. As stated by Mahomed Sait, his father died at

8 O'clock on the same night. By that time I had ceased to be the President of the Mysore Municipality. Mr Venkataranadiengar had already relieved me of the charge of the District, and the burial question concerned me no more

2 I have read the statements made by Rahimattulla Ahamed Sait and Mahomed Sait before the Vice President on the 21st February 1903. The former states in one place that he was not aware of any order passed regarding the burial. Further on, he says that I gave the order permitting the burial. Mahomed Sait repeats the latter statement which is not true. The only charitable construction that I can put on these misstatements is that the Sait did not correctly apprehend the purport of my note

Sait has only a smattering of English
I do not know if Mahomed Sait
understands any English at all. It
is possible therefore that they were led
to misconstrue my note of the 22nd
January 1903 into an order giving
them permission they had asked for.
It will be obvious from the note that I
did not, at the time, mean to take any
further action without the orders of
Government.

3 The Enclosures of the docket
under reply are herewith returned

I have &c
(Sd) H Ramanujiengar
Deputy Comm^r
Chitaldrug Dist^t

Proceedings of the Government of His Highness
the Maharaja of Mysore

Read

Correspondence ending with letter
180 dated 12th March 1903 from the

President, City Municipal Commission, Mysore, Submitting a report in the matter of the burial of a Mahomedan Sít in the Sít Mosque in Doddapetta in the Mysore City, said to have been permitted by Mr N. Ramanujiengar, while Deputy Commissioner of Mysore -

Also:-

Letter No 682 dated 3rd April 1903 from Mr N. Ramanujiengar, Deputy Commissioner, Chitaldrug District, Submitting his explanation in the matter.

Order thereon. No $\frac{1695\text{-}8}{L.T.S2\text{-}02}$ — Case on file of records

Dated 29th May 1903.

On the 11th September 1902 one Mahomed Sít applied to the Vice President for permission to bury the corpse of his old father after his death, within the precincts of the Sít mosque Doddapet, Mysore, as his ancestors were buried there. Referring to Section 188 & 189 of the Mysore City Municipal Regulation

Vice President asked for the opinion of the Health Officer whether the permission asked for could be given for this single case. The latter replied that permission might be given, if the other members of the Mahomedan Community agreed in writing that they would not ask again for a similar permission to bury any other corpse in the graveyards attached to the mosques Situated within the municipal limits of the City.

2. On the 8th January 1903, some of the leading citizens of the Kutchi Memon Community presented a petition to the president (Mr A Ramanujiengar) requesting that as the whole of the Sixt Community desired that the old man should be buried in the Masjid in question, the permission asked for might be granted.

on the 10th idem, Mr Ramanujiengar inspected the place in company with the Health Officer, and recorded the Statement of Mahomed Ahmed Sét and two others to the effect that the Masjid was a private one constructed by the Sét Community, that a portion of its compound had been reserved for the burial of the Corpses of respectable men of that Community, that the last burial had taken place about 30 years previously, and that the vacant space was just enough to allow the burial of one more Corpse.

3 The Deputy Commissioner asked the Amildar to report how many other mosques there were in Mysore having grave yards attached to them. In the Course of his reply the Amildar mentioned that an Endorsement dated 6th October 1870 granted to the owners of Imarats in the Mysore City by the Superintendent of the Ashtagrama Division

limits of the City. On the 19th January 1903 the President (Mr Ramanujiengar) forwarded the papers to the Vice President for an expression of his own opinion on the question at issue. The latter submitted a Memo dated the 21st idem stating that considering the legal aspect of the question as well as the opinion of the leading citizens (both Hindus and Mahomedans) with whom he had discussed on the subject, and who were opposed to the grant of the permission asked for, he was not in favor of complying with the petitioners' request. In agreeing with the Health Officer, Mr Ramanujiengar recorded a note dated 22nd January 1903 recommending "that permission may be granted as a special case and subject to the proviso that the death is certified not to be due to Plague", and submitted a copy of it for the orders of Government.

4. On the 23rd January, the Vice-President wrote to the Deputy Commissioner stating that from enquiries made by him, it was ascertained that the old man having died that day, the corpse had been buried in the Masjid, but that he was not aware if any permission had been given therefor and that another Mahomedan Community had taken objection to this and were agitating in the matter. Mr B. K Venkatavaradiengar who had then succeeded Mr Ramanujengar, forwarded for the information of the Vice President a copy of Mr Ramanujengar's memo above referred to. On the same date the Vice President issued notices to one Rahimatulla Ahmed Sét and Mahomed Sét (son of the deceased) calling upon them to produce the order, if any, given to them by the President permitting the burial in question. The former stated in reply that

that if the man died, not of Plague, the corpse might be buried in the Masjid The latter stated that as Mr Ramanujiengar informed him on the evening of the 22nd January 1903 that he had passed orders sanctioning his application, he went home, that at 8 P.M that day his father died, that the corpse was buried in the Masjid on the following morning, and that he could not obtain a copy of the order then and there.

5. Mr Ramanujiengar explains that on the eve of his handing over charge to his successor, the S'to pressed him for the disposal of their application, that as he had inspected the place and made all necessary enquiries and as the facts were fresh in his mind he acceded to their request, but as may be seen from his note, he did

not mean to give any permission to the Sito without the order of Government, and that the statement that he had given permission was untrue, though apparently some of the Sito construed his notes about recommendation to Government, as a permission.

6 Government regret to observe that the indecision of the local officers should have resulted in the commission of an act, which should by no means have been allowed. Interment within the limits of the city is clearly opposed to orders of Government in force. If Mr Ramanujiengar had not recorded a note in favor of the grant of the permission asked for, or if he had taken care not to communicate its purport to the parties concerned the burial would not have taken place.

not to give room to the parties to plead that they had received his permission, they could have been prosecuted and subjected to punishment. But unfortunately the President did not readily apprehend what was his clear duty, and by failing to issue a distinct prohibition at once, he brought about this undesirable result, and Government cannot help censuring him severely for this omission.

7. The Presidents' report has disclosed another instances in which the Health Officer (Mr Kodanda pani Mudaliar) permitted on his own responsibility, a burial in a Makan within the City Municipal limits, on the ground of the site being close to a burial ground. The Health Officer certainly went beyond his provinces and acted very irregularly, and he has thereby incurred the grave displeasure of Govt.

... explanation should be obtained

submitted at once for the further

of Government

(Sd) H. V. Nanjundayya

Secretary

Memo 17009
L.F. 52-02 & 29.5.03
1.6.03

Copy forwarded to the Deputy Com

Chitaldrug District

(Sd) A Ramaiya.

for Secretary

"Copy"

[illegible]

Deputy Commissioner

Chitaldrug Distt

Mysore Municipal Regulation III of 1888.

Section 189.

"No vault or grave shall be made within the walls of, or underneath any Church or Chapel, or other place of public worship built within the limits of the Town of Bangalore after these Regulations come into operation and no burial or burning ground, whether public or private, shall be opened made, or formed, within the said limits after these Regulations come into operation, otherwise than by, or under the authority of the Government of His Highness the Maharaja of Mysore, without a license describing the extent and boundaries thereof first obtained from the President who is hereby empowered, at his discretion, from time to time, to grant such licenses; and whoever shall bury or burn, or cause permit or suffer to be buried or burned, any corpse in any vault, grave or burial or burning ground opened, made or formed without such license or contrary to the terms thereof or in any public or private place, shall be liable penalty not exceeding one hundred [illegible]

SECTION Jud I (13)

Read 7 to 02

FILE No. 1902

SERIAL No. 4

Letter No 96 dy the
8th July 1903 from the
Revenue Commissioner
in Mysore forwarding
for the orders of Govt
letter No 165 dy the 13th
June 1903 from Mr M
Ramanujachar, Dy Com
Chitaldroog Distt, explain
ing certain incidents in
the matter of the burial
~~burial ground~~ ~~a disease~~ of one
Ahmed Saik in a Mosque
situated within the Mu
nicipal limits of the
Mysore City, and re-
questing that Govt
may be pleased to
reconsider their re
marks against them
contained in para 6 of
Government Proceedings
No. 1695 S dy the
4 Dy 5-2-02
[illegible]

der / No 979-
LR 52-02

D. 29/8/03

The order contained
in para 6 of the Govt
Proc above referred
was passed after
careful consideration,
and Government regret
that they
see no reason to
re consider it.

2nd Cr and
Rawanjaya

27/8/3

Secretary

26/8/03. on 29-8-03

To
Shri A. Ramanujaiyengar
Dy Comr Chikkaballapur Dist.

2d No Rev Commissioner

Submits the explanation of the
Health officer as called for in Sl 6

Sl 8. From the Rev Comrs. no 9648.

Forwards for orders of Govt
Mr. D Ramanuj Ayengar's letter explaining
his conduct in the matter of the burial of
the Saith and requests to consider the
order passed in G.P. 16958 dt 24.5.03

Sl 9. To— Mr. D Ramanuj Ayengar.
" The Revenue Commissioner
no 979-80 dt 25.8.03
L.7. 52.02

States that the order was
passed after Careful consideration and that
therefore Govt regret that they see no reason
to reconsider it.

Recd: Mr. Prabhakar